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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/980,527	04/29/2002	Erwin Rampp	5873US.04	5971

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EXAMINER

DURAND, PAUL R

ART UNIT	PAPER NUMBER
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3721

DATE MAILED: 08/22/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/980,527

Applicant(s)

RAMPP, ERWIN

CS

Examiner

Paul Durand

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 April 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☒ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Oath/Declaration

1. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because there is an unsigned Power of Attorney document in the file.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the method of outputting and transferring the bale in claim 9 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered. Furthermore, in regard to the method, the drawings do not accurately show the method being claimed especially as it pertains to rotating and wrapping the bale, twisting of the film into a rope, displacement of the cutting device and the finished product.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

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The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors.

In claim 13, it is not clear to the examiner what is being claimed. Furthermore, it is not clear to the examiner if applicant is referring to surface area or the length of the bale as it is being compared to the film width.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1,2,4-8,10-12,14-16,18-20,24 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Springs et al (US 5,079,898) in view of Viaud (US 5,311,729).

In regard to claims 1 and 8, Springs discloses the invention substantially as claimed including baler "B", film "F", pulled from a roll 22, that is formed into a rope,

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introduced in a gap between the bale and the wall, rotating the bale while engaging the bale with the film and rotating the bale until the bale is completely wrapped (see Figs. 2,5,8, C5, L7-17, C10, L37 – C11, L35 and C13, L35 – C14, L32). What Springs does not disclose is the film being pulled off from a film pull means. However, Viaud teaches that it is old and well known in the art of film feeding and bailing to provide film pull means in the form of rollers 60 and 62 that feed the film from the film holding device 26 to the baler for the purpose of efficiently feeding film (see Fig. 2 and C4, L24-44). Therefore, it would have been obvious to one having ordinary skill in the art to have modified the invention of Springs with the film pulling means as taught by Viaud for the purpose of efficiently feeding film.

In regard to claim 2, Springs discloses the invention as claimed including forming the film rope by gathering the film in its width (see Fig. 8 and C10, L37 – C11, L35).

In regard to claim 4, While Springs does not specifically disclose forming a new rope while the bale is being wrapped, the Examiner takes Official Notice that it is old and well known in the art to simultaneously start a new wrapping operation while a previous wrapping operation is being finished for the purpose of increasing manufacturing efficiency.

In regard to claim 5, Springs discloses the invention as claimed including cutting the film in front of the film rope by (see Figs. 8, 9 and C9, L3-25).

In regard to claims 6 and 7, Springs discloses the invention substantially as claimed except for the specific film feeding means. However, Viaud teaches that it is old and well known in the art of film feeding and bailing to provide film feed means

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comprised of rollers 60 and 62, with roll 60 being driven and functioning on friction pressure, with cutting device 74 and 72 that cuts the film downstream of the drive rollers for the purpose of efficiently feeding and severing a film that is being transported to a baler (see Fig. 2, C4, L24-44 and C5, L4-12). Therefore, it would have been obvious to one having ordinary skill in the art to have modified the invention of Springs with the film pulling and cutting means as taught by Viaud for the purpose of efficiently feeding and severing a film.

In regard to claims 10-12, Springs discloses the invention substantially as claimed except for the specific film properties of polyethylene, linear low density polyethylene and contains adhesive properties. It would have been an obvious matter of design choice to choose films comprised of polyethylene, linear low density polyethylene and contains adhesive properties, since applicant has not disclosed that films comprised of polyethylene, linear low density polyethylene and contains adhesive properties solves any stated problem or is for any particular purpose and it appears the invention would do equally well with the plastic stretch film recited in Springs. Furthermore, the examiner takes Official Notice that it is old and well known in the art of wrapping to provide plastic films that are comprised of low molecular weight polyethylenes for the purpose of stretching the film around the object to be wrapped.

In regard to claim 14, 24 and 25, Springs discloses the invention substantially as claimed including a film wrapping device, from a roll of film 22, holding device 110, rope forming device for forming film "F", comprised of actuator 150, roping arms 140 and projections 142 and cutting device 99 and control means that allow either film wrapping

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of rope wrapping (see Fig. 8, C9, L3-25 and C10, L37 – C11, L35). What Springs does not disclose is the film being pulled off from a film pull means. However, Viaud teaches that it is old and well known in the art of film feeding and bailing to provide film pull means in the form of rollers 60 and 62 that feed the film from the film holding device 26 to the baler for the purpose of efficiently feeding film (see Fig. 2 and C4, L24-44). Therefore, it would have been obvious to one having ordinary skill in the art to have modified the invention of Springs with the film pulling means as taught by Viaud for the purpose of efficiently feeding film.

In regard to claims 15 and 16, Springs discloses the invention substantially as claimed except for the specific film holding means. However, Viaud teaches that it is old and well known in the art of bailing and wrapping to provide a holding and support device comprised of with a plurality of support rolls in the form of spool 30, journal 54 and surface 52, box 26, holding roll of film 30 and adapted to accommodate the entire width of film and an outlet generally arranged at the lower right corner of the holding device, for the purpose of holding and protecting the film from the elements (see Fig. 2 and C3, L31-59). Therefore, it would have been obvious to one having ordinary skill in the art to have modified the invention of Springs with the film holding means as taught by Viaud for the purpose of holding and protecting the film from the elements.

In regard to claims 18 and 19, Springs discloses the invention substantially as claimed except for the specific film feeding means. However, Viaud teaches that it is old and well known in the art of film feeding and bailing to provide film feed means comprised of rollers 60 and 62, with roll 60 being driven and functioning on friction

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pressure, for the purpose of efficiently feeding film that is being transported to a baler (see Fig. 2, C4, L24-44 and C5, L4-12). Therefore, it would have been obvious to one having ordinary skill in the art to have modified the invention of Springs with the film pulling means as taught by Viaud for the purpose of efficiently feeding a film.

In regard to claim 20, Springs discloses the invention as claimed including forming the film rope by gathering the film in its width with bilateral engaging roping arms 140, for forming film "F", actuator 150, and projections 142 (see Fig. 8 and C10, L37 – C11, L35).

7. Claims 3 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Springs et al in view of Viaud and in further view of McCrady et al (US 4,468,922).

Springs discloses the invention substantially as claimed except for the twisting of the rope. However, McCrady teaches that it is old and well known in the art to twist a filament being turned into a rope by electrode 11 for the purpose of increasing the strength of the rope (see Fig.1). Therefore, it would have been obvious to one having ordinary skill in the art to have modified the invention of Springs with the twisting means as taught by McCrady for the purpose of increasing the strength of the rope.

8. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Springs et al in view of Viaud and in further view of Ingram (US 4,826,551).

Springs discloses the invention substantially as claimed except for the specific film roll tension means. However, Ingram teaches that it is old and well known in the art of film feeding to provide tension arms 34 and roller 33 that maintains tension of the film during wrapping for the purpose increasing wrapping efficiency (see Fig. 1). Therefore,

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it would have been obvious to one having ordinary skill in the art to have modified the invention of Springs with the tension means as taught by Ingram for the purpose increasing wrapping efficiency.

9. Claims 21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Springs et al in view of Viaud and in further view of Casteel et al (US 4,807,427).

Springs discloses the invention substantially as claimed including film rope forming means comprised of arms 140, springs 143 and projections 142. What Springs does not disclose is the use of rollers to for the rope. However, Casteel teaches that it is old and well known in the art of wrapping to use rollers 33, to form the web of film into a rope for the purpose of reducing friction during wrapping (see Fig. 2). Therefore, it would have been obvious to one having ordinary skill in the art to have modified the invention of Springs with the roller rope forming means as taught by Casteel for the purpose of reducing friction during wrapping.

10. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Altwater et al (US 5,784,856) in view of Springs et al and in further view of Viaud.

Altwater discloses the invention substantially as claimed including a bale press comprised of press chamber 3 for compressing material, wrapping station 40 and delivery station 50 (see Fig. 1). What Altwater does not disclose is the integration of the wrapping device into the baler. However, Springs teaches that it is old and well known in the art of bailing to provide a baler with a film wrapping device, for film F on roll 22, holding device 110 rope forming device, comprised of arms 140, actuators 152 and protrusions 152 and cutting means 99 (see Fig. 8, C9, L3-25 and C10, L37 – C11, L35).

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Furthermore, Viaud teaches that it is old and well known in the art to provide a pulling of device comprised of rollers 60 and 62 for the purpose of efficiently feeding film to a baler (see Fig. 2). Therefore, it would have been obvious to one having ordinary skill in the art to have modified the invention of Altvater with the wrapping means of Springs and the feeding means of Viaud for the purpose of increasing wrapping efficiency.

Conclusion


11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Lancatser, Busse et al, Jennings et al, Olesky et al, Sharp, Kluver et al, Underhill and McClure et al have been cited to show devices having similar structure.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul Durand whose telephone number is 703-305-4962. The examiner can normally be reached on 0730-1800, Monday - Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi I Rada can be reached on 703-308-2187. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.

Paul Durand
August 18, 2003



Rinaldi I. Rada
Supervisory Patent Examiner
Group 3700